

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.:4: 06-CR-20436-1FL

VALERIE RUTH SMITH,

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

Defendant.

/

ORDER CONTINUING
ORDER OF DETENTION

The Defendant initially appeared before the Honorable Magistrate Judge Charles E. Binder on August 24, 2006, based upon a Indictment charging her with violation of 21 U.S.C. § 846; 841(a)(1) and 841(b)(1)(B). The Defendant was subsequently ordered temporarily detained, and a detention hearing was scheduled for August 29, 2006. At the hearing held on that date, Magistrate Judge Binder found that the testimony presented and the information submitted at the hearing established that the presumption in favor of detention had not been rebutted by the Defendant. The Magistrate Judge further found that there were no conditions or combination of conditions which would reasonably assure the safety to the community or her appearance in court.

On October 30, 2006, the Defendant appeared for arraignment on a Superseding Indictment in this matter. At that hearing her counsel moved for a review of the order of detention. The hearing was subsequently adjourned and reset for November 2, 2006 in order for the Pretrial Officer to obtain updated information concerning this Defendant.

At the hearing on November 2, 2006, the undersigned heard oral argument from the Defendant's attorney, David Grant. Following oral argument, an in-chambers conference was held

at which time the issue concerning a suitable place for the Defendant to reside as well as a possible third-party custodian to supervise the Defendant. Based upon the information presented both on the record and during the course of the in-chambers conference, the undersigned finds that there is insufficient information at this time to consider releasing the Defendant on bond.

Accordingly, the order of detention previously entered in this matter shall remain in effect.

The defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: November 3, 2006

s/Wallace Capel, Jr.

WALLACE CAPEL, JR.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Mark C. Jones, AUSA, David Grant, Esq., and I hereby certify that I have hand delivered/ mailed by United States Postal Service the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, MI 48502, Pretrial Services Officer, 600 Church St., Flint, MI 48502

s/James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

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